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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/802,630   | 03/09/2001  | James K. Gehrke      | CM01375G            | 8523             |
| 22917  | 7590        | 11/16/2004           | EXAMINER            |                  |
| MOTOROLA, INC.<br>1303 EAST ALGONQUIN ROAD<br>IL01/3RD<br>SCHAUMBURG, IL 60196 |             |                      | VO, HUYEN X         |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2655                |                  |

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/802,630             | GEHRKE ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Huyen Vo               | 2655                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,6-9,13-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-9,13-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. The applicant has submitted an amendment, filed 6/25/2004, amending the base claim 1 to include the limitations of dependent claims 2-3, while arguing to traverse the art rejection based on the amended limitation regarding a "*wherein the voice recognition information comprises a context model and wherein the voice recognition information comprises training parameters related to a voice of the user of the wireless communication device*" (see amended claims).

Applicant's arguments have been fully considered but they are not persuasive. King (US Patent No. 6532446) does in fact teach the above limitation (see *claim rejection below*).

2. The applicant has also amended the base claims 7, 13, 19, and 22, arguing to traverse the art rejection based on the amended limitation regarding a "*wherein the voice recognition information comprises training parameters related to a voice of the user of the wireless communication device*" (see amended claims).

Applicant's arguments have been fully considered but they are moot in new ground of rejection, necessitated by amendment.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 6, 19 and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by King (US Patent No. 6532446).

5. Regarding claim 1, King discloses a method for a wireless communication device to enable a wireless system infrastructure to provide voice recognition service to the wireless communication device (figure 1), the method comprising the steps of:

storing voice recognition information specific to a user of the wireless communication device in a memory of the wireless communication device (col. 5, ln. 11-47, *identification information for the user can be voice recognition information such as speech templates*), the voice recognition information is usable by a voice recognition processor of the wireless system infrastructure to provide voice recognition service to the wireless communication device (col. 10, ln. 32-48), and

transmitting the voice recognition information to the wireless system infrastructure for use by the voice recognition processor during operation of the wireless communication device (col. 5, ln. 7-45, *the user specific speech templates are uploaded to the server through the user interface of the serviced mobile device*), wherein the voice recognition information comprises a context model and wherein the voice recognition information comprises training parameters related to a voice of the user of

the wireless communication device (*col. 5, ln. 26-47, speech templates and language dictionaries*).

1. Regarding claim 4, King further discloses that the context model includes instructions that allow the user of the wireless communication device to control operation of the wireless communication (*col. 6, ln. 45-55, that is requesting for speech recognition service*).

2. Regarding claim 6, King further discloses the training parameters comprise data for adapting the voice recognition processor to voice characteristics of the user (*col. 6, ln. 45-67*).

6. Regarding claim 19, King discloses a wireless communication device comprising:  
a memory device that stores voice recognition information specific to a user of the wireless communication device (figure 2B), the voice recognition information is usable by a voice recognition processor of a wireless system infrastructure to provide voice recognition service to the wireless communication device (*col. 10, ln. 32-48*).

a transmitter, operably coupled to the memory device, that transmits the voice recognition information to the wireless system infrastructure for use by the voice recognition processor during operation of the wireless communication device (252 of figure 2B), wherein the voice recognition information comprises a context model and wherein the voice recognition information comprises training parameters related to a

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voice of the user of the wireless communication device (*col. 5, ln. 26-47, speech templates and language dictionaries*).

7. Regarding claim 21, King further discloses a receiver that receives a request for the voice recognition information from the wireless system infrastructure and a processor, operably coupled to the receiver, the transmitter, and the memory device, that retrieves the voice recognition information from the memory device responsive to the request, prepares a data message containing the voice recognition information, and instructs the transmitter to transmit the data message to the wireless system infrastructure (see figure 2B).

8. Regarding claim 22, King discloses a wireless system infrastructure that provides voice recognition service, the wireless system infrastructure comprising:

a base transceiver site that receives, during a first time period, voice recognition information from a wireless communication device to produce received voice recognition information, wherein the received voice recognition information includes a context model (*col. 10, ln. 1-7 or referring to figures 1 or 3*) and training parameters related to a voice of a user of the wireless communication device (*col. 5, ln. 26-47, speech templates*), and that receives, during a second, later time period, a first data message from the wireless communication device containing an instruction forming part of the context model (*col. 6, ln. 45-55*);

a memory device, operably coupled to the base transceiver site, that stores the received voice recognition information to produce stored voice recognition information (341 of figure 3 or col. 9, ln. 44-50); and

a voice recognition processor, operably coupled to the memory device and the base transceiver site, that generates a second data message representative of the instruction contained in the first data message based on the stored voice recognition information, the second data message being used to execute the instruction (figure 3 or col. 10, ln. 32-48).

9. Claims 7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Dragosh et al. (US Patent No. 6078886).

10. Regarding claim 7, Dragosh et al. disclose a method for a wireless communication device to enable a wireless system infrastructure to provide voice recognition service to the wireless communication device, the wireless system infrastructure forming part of a wireless communication system, the method comprising the steps of:

storing voice recognition information specific to a user of the wireless communication device in a memory of the wireless communication device (*element 130 in figure 2, voice recognition information is the grammar*), the voice recognition information being usable by a voice recognition processor of the wireless system

infrastructure to provide voice recognition service to the wireless communication device  
(*element 202 in figure 2, grammar is sent to the server for used in speech recognition*);

transmitting a request to operate in the wireless communication system to the  
wireless system infrastructure, the request to operate including a first identifier  
associated with the wireless communication device (*col. 3, ln. 35-55, inherent that the  
client device would send device's ID or IP address to the server to establish  
communication connection*) and a second identifier associated with the voice  
recognition information (*col. 5, ln. 25-57*);

receiving a request for voice recognition information from the wireless system  
infrastructure responsive to the request to operate (*col. 5, ln. 26-32*); and

transmitting the voice recognition information to the wireless system  
infrastructure responsive to the request for voice recognition information to facilitate use  
of the voice recognition information by the voice recognition processor during operation  
of the wireless communication device, wherein the voice recognition information  
comprises a context model and wherein the voice recognition information comprises  
training parameters related to a voice of the user (*col. 5, ln. 25-57*).

3. Regarding claim 9, Dragosh et al. further disclose that the request for voice  
recognition information is received in the event that the first identifier indicates that no  
voice recognition information has been previously received with respect to the wireless  
communication device (*col. 5, ln. 26-35, as soon as the TCP/IP connection is  
established, a request for transmission of the grammar is received*).



***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over King (US Patent No. 6532446).

4. Regarding claim 20, King further discloses memory device 254 and 258 (referring to figure 2B), but fails to specifically disclose that the memory device is insertable into the wireless communication device. However it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the an insertable memory device in place of the memory device 254 and 258 of figure 2B of King in order to provide conveniences for maintaining and updating the communication device.

13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over King (US Patent No. 6532446) in view of Dragosh et al. (US Patent No. 6078886).

5. Regarding claim 2, King fails to specifically disclose that transmitting the voice recognition information is performed responsive to a request for the voice recognition

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information received from the wireless system infrastructure. However, Dragosh et al. teach that transmitting the voice recognition information is performed responsive to a request for the voice recognition information received from the wireless system infrastructure (*col. 5, ln. 26-57, grammar*).

Since King and Dragosh et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify King by incorporating the teaching of Dragosh et al. in order to enhance speech recognition accuracy.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dragosh et al. (US Patent No. 6078886) in view of McAllister et al. (US Patent No. 6101242).

7. Regarding claim 8, Dragosh et al. fail to specifically disclose that the request for voice recognition information is received in the event that the second identifier indicates that the voice recognition information has been changed relative to voice recognition information previously received with respect to the wireless communication device. However, McAllister et al. teach that the request for voice recognition information is received in the event that the second identifier indicates that the voice recognition information has been changed relative to voice recognition information previously received with respect to the wireless communication device (*col. 34, ln. 51-61*). The advantage of using the teaching of McAllister et al. in the modified King is to make the server-based speech recognition system more reliable.

Since Dragosh et al. and McAllister et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dragosh et al. by incorporating the teaching of McAllister et al. in order to make the server-based speech recognition system more reliable.

14. Claims 13, 15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dragosh et al. (US Patent No. 6078886) in view of King (US Patent No. 6532446).

15. Regarding claim 13, Dragosh et al. discloses a method for a wireless system infrastructure to provide voice recognition service to a wireless communication device, the wireless system infrastructure forming part of a wireless communication system, the method comprising the steps of:

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receiving a request to operate in the wireless communication system from the wireless communication device, the request to operate including a first identifier associated with the wireless communication device (*col. 3, ln. 35-55, inherent that the client device would send device's ID or IP address to the server to establish communication connection*) and a second identifier associated with voice recognition information stored in a memory of the wireless communication device (*col. 5, ln. 25-57*);

in the event that voice recognition information associated with the wireless communication device is not presently stored in the wireless system infrastructure,

requesting transmission of the voice recognition information stored in the memory of the wireless communication device (col. 10, ln. 1-7 and col. 13, ln. 1-10), wherein the voice recognition information comprises a context model and wherein the voice recognition information comprises training parameters related to a voice of the user of the wireless communication device (*col. 5, ln. 26-47, speech templates and dictionaries*).

Dragosh et al. fail to specifically disclose the step determining whether voice recognition information associated with the wireless communication device is presently stored in the wireless system infrastructure based on the first identifier. However, King teaches the step determining whether voice recognition information associated with the wireless communication device is presently stored in the wireless system infrastructure based on the first identifier (*col. 12, ln. 46-59, determine if the user's input has been registered*).

Since Dragosh et al. and King are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Dragosh et al. by incorporating the teaching of King et al. in order to enable the server to register user's profile for use in subsequent speech recognition by requesting transmission of a user's profile stored in the client's device.

16. Regarding claim 15, Dragosh et al. further disclose the step of receiving the voice recognition information stored in the memory of the wireless communication device to produce received voice recognition information and storing the received voice

recognition information in a memory of the wireless system infrastructure (*col. 5, ln. 26-57, grammars or speech templates are transmitted from the client to the server*)

17. Regarding claim 17, Dragosh et al. further disclose that the context model includes at least one instruction that allows a user of the wireless communication device to control operation of the wireless communication device (*col. 5, ln. 26-57, specific grammar controls the operation of the speech recognition*).

8. Regarding claim 18, Dragosh et al. further disclose the steps of: receiving a first data message from the wireless communication device, wherein the first data message includes an instruction of the at least one instruction (*col. 6, ln. 51-67*); determining the instruction contained in the first data message based on the received voice recognition information to produce a determined instruction (*col. 6, ln. 51 to col. 6, ln. 13*); and generating a second data message representative of the determined instruction to facilitate execution of the instruction (*col. 6, ln. 51 to col. 6, ln. 13, result of the recognition process is then transmitted to the client side*).

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dragosh et al. (US Patent No. 6078886) in view of King (US Patent No. 6532446), as applied to claim 13, and further in view of McAllister et al. (US Patent No. 6101242).

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10. Regarding claim 14, the modified Dragosh et al. fail to specifically disclose that in the event that voice recognition information associated with the wireless communication device is presently stored in the wireless system infrastructure, comparing the second identifier to a third identifier associated with the voice recognition information presently stored in the wireless system infrastructure, and requesting transmission of the voice recognition information stored in the memory of the wireless communication device in the event that the third identifier differs from the second identifier.

However, McAllister et al. teach in the event that voice recognition information associated with the wireless communication device is presently stored in the wireless system infrastructure, comparing the second identifier to a third identifier associated with the voice recognition information presently stored in the wireless system infrastructure (col. 34, ln. 51-61), and requesting transmission of the voice recognition information stored in the memory of the wireless communication device in the event that the third identifier differs from the second identifier (col. 34, ln. 31-41).

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Since the modified Dragosh et al. and McAllister et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time the invention was made further modify Dragosh et al. by incorporating the teaching of McAllister et al. in order to update the speech recognition information to increase system's reliabilities,

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665.

The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Huyen X. Vo

November 3, 2004

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SUSAN MCFADDEN  
PRIMARY EXAMINER

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